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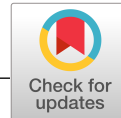
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POLICY PERSPECTIVE

Understanding and responding to the environmental human rights defenders crisis: The case for conservation action

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Abstract

Close to two thousand environmental human rights defenders have been killed in 57 countries since 2002, with about four losing their lives every week in 2019. Many of these defenders represent Indigenous Peoples and local communities protecting ecosystems from large-scale environmentally destructive projects. As the positive contributions of Indigenous and local communities to biodiversity conservation become better recognized, so should the losses and risks that they face. Despite major efforts at documenting abuses and protecting defenders, many blind spots and gaps remain. Here, we call for the conservation community to put the protection of defenders at the heart of its strategy to slow down and reverse the current onslaught on the environment. The conservation community can respond in a number of ways including reaching out to its constituencies, working together with the human rights community, and mobilizing its networks, field offices, and presence in remote areas to denounce abuses and counter isolation. In doing so the conservation community can advance the collective agenda bringing together conservation and environment-related human rights through the Post-2020 Global Biodiversity Framework.

KEYWORDS

civil society, conservation conflict, environmental defenders, extractivism, global biodiversity framework, governance, human rights, social policy, violence

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1 | INTRODUCTION

The murder of Homero Gómez González near the Monarch Butterfly Biosphere Reserve in January 2020 caused outrage among the conservation community (Böhm, Henriques, Hochkirch, & Rodríguez, 2020). Despite growing condemnation of such killings, the conservation community has yet to fully grasp the extent of violence against defenders and realize the potential for collective action. Environmental human rights defenders (EHRDs) have been defined as “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna.”

With 1,922 reported killings in 57 countries between 2002 and 2019 (Global Witness, 2020), EHRDs are frequent victims of lethal violence.¹ In 2019, EHRDs accounted for an estimated 40% of all human rights defenders killed (Front Line Defenders, 2020); in response, the United Nations Human Rights Council adopted a specific resolution for their protection noting that “defenders working in environmental matters, referred to as environmental human rights defenders, are among the human rights defenders most exposed and at risk” (UNGA/HRC, 2019a).

The killings represent only a fraction of the abuses and threats that EHRDs face as “[n]ature managed by Indigenous Peoples and local communities is under increasing pressure” (IPBES 2019, p. B6). Despite growing documentation of the positive impacts of indigenous and local community conservation efforts (Fa et al., 2020), the links between threats against EHRDs and risks to conservation objectives often go unrecognized or remain poorly documented. This is prompting a growing call for EHRDs to be at the heart of biodiversity conservation.

Building on efforts to bring the conservation and human rights communities together, including a “Geneva Road Map”² workshop with UN Special Rapporteurs, researchers and EHRDs in February 2020, we outline the environmental defenders crisis, show the need for greater engagement by conservation organizations to address this crisis, and highlight policy recommendations for the conservation community and the Post-2020 Global Biodiversity Framework (table 1).

2 | THE ENVIRONMENTAL DEFENDERS CRISIS

The repression of defenders has been reported at an international scale by Global Witness, Front Line Defenders, the Business and Human Rights Resource Centre, the International Rangers Federation, and others. Reported killings between 2002 and 2019 mostly took place in Latin American countries (80%, especially Brazil, Colombia, Honduras, and Mexico) and South and Southeast Asia (19%, especially Philippines), with Indigenous Peoples representing a third of the total between 2015 and 2019 (Global Witness, 2020). Many blind spots exist due to incomplete documentation: killings only represent the “tip of the iceberg” among the forms of violence associated with conservation, resource extraction, and land dispossession (Butt, Lambrick, Menton, & Renwick, 2019). In 2018, John Knox, former Special Rapporteur on human rights and the environment, estimated that “for every 1 killed, there are 20 to 100 others harassed, unlawfully and lawfully arrested, and sued for defamation, amongst other intimidations (UNEP, 2020). Within a global sample of 2,743 environmental conflicts, defenders face high rates of criminalization in 20% of cases, physical violence in 18%, and assassinations in 13%, with higher figures in indigenous areas (Scheidel et al., 2020).

What is known about the underlying drivers? Repression and violations of citizen rights to speak out and take action are widespread. According to CIVICUS (2020), just 3% of the global population lives in countries that fully respect citizens’ fundamental rights, while 67% live in countries ranked as repressed or closed. Also, in the wake of growing movements of antiracism and redress, recognizing pressures on defenders is also about recognizing deep-running legacies of racial discrimination and violence in the conservation arena. Violence against defenders is part of a long history of colonialization, dispossession of local communities, as well as resource exploitation, illegal economies, and corruption (Butt et al., 2019; Lynch, Stretesky, & Long, 2018). Propelled by economic disparities, inequitable land tenure systems, racial and socioeconomic hierarchies (Virdee, 2019), resource exploitation accelerated after the onset of the Second World War. The globalization of mass consumption and rise of Asian economies further increased demand for land and natural resources, extending extraction frontiers and exacerbating conditions for socioenvironmental conflicts, especially in resource-rich countries with populations resisting the burdens of pollution, displacement, cultural and livelihood loss, and social inequalities (Muradian, Walter, & Martinez-Alier, 2012).

In this context, many Indigenous Peoples and local communities have had to assert and defend their rights in

¹ For a comparison, 1,521 journalists were killed over the same period, mostly in war-affected countries, <https://rsf.org/en/barometer>.

² For a summary of Geneva dialogue events, see <https://environment-rights.org/towards-a-geneva-road-map/>.

the face of powerful political and commercial alliances between government authorities, local economic elites, and primary commodity companies (Temper, del Bene, & Martinez-Alier, 2015). The frequent absence of effective conflict prevention and resolution processes, the lack of recognition for underlying rights such as the right to the self-determination of Indigenous Peoples, and the use of deceptive and coercive tactics by extractivist actors often lead to further resistance and conflict escalation (Conde & Le Billon, 2017). In some cases, narratives of polarization tend to marginalize—and individualize—environmental defense as being against public interest.

Scientific literature suggests the likelihood of killings as particularly acute in middle-income countries with semiauthoritarian regimes, high corruption and weak rule of law, a recent history of armed conflicts and/or high homicides rates, and frequent conflicts around resource exploitation projects, as seen in Latin America (Butt et al., 2019; Le Billon & Lujala, 2020). Killings and other attacks are in part facilitated by patterns of impunity for perpetrators, the lack of an independent and effective judiciary and media reporting, collusion between political, economic, and military elites, social “habituation” to homicides on the part of authorities—including as a result of recent armed conflicts, and state tolerated/encouraged vigilante activity (Middeldorp & Le Billon, 2019). With government authorities and corporations frequently unwilling to settle conflicts through fair community consultation and negotiations, some defenders in turn refuse to back down to abuses of power, even if at the cost of deadly repression. Attempts by resource extraction proponents to “silence” defenders and deter their supporters can lead to even greater mobilization as global communication and international advocacy make these abuses more visible (Aytaç, Schiumerini, & Stokes, 2018). The challenges are multifaceted yet systemic and patterned, raising important questions about how to address the underlying drivers and respond in an effective manner.

3 | EFFECTIVE PROTECTION TO ADDRESS THE UNDERLYING DRIVERS

Environmental defender protection ranges from local support and national protection measures to offer immediate support as well as international condemnation, alliance building, and the mobilization of human rights mechanisms and other measures to address underlying factors. Domestic documentation and protection measures play a critical role in the ecosystem of responses as well as long-term policy reform. In Latin America, for example, civil society actors and the human rights movements have long sought to document threats, provide legal assistance and

make use of national, regional, and international mechanisms, including the Inter-American Human Rights system and UN treaty bodies.

Several countries, such as Colombia, Brazil, or Mexico have long had protection mechanisms in place, while others recently have passed new laws and established specialized institutions that seek to prosecute those responsible for violence and persecution. Burkina Faso, Côte d’Ivoire, and Mali have enacted laws to safeguard human rights defenders, including EHRDs. In Honduras, the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials was established in 2018 with six prosecutors, four assistant prosecutors, and 10 investigators (UNGA/HRC, 2019b). In Peru, the National Human Rights Plan for 2018–2021 highlights the vital work of human rights defenders, and in 2019 the Ministry of Justice drafted a protocol guaranteeing the protection of human rights defenders with specific measures for those at risk, and ensuring prompt and effective investigation of threats against defenders. In the first case of its kind, Peruvian prosecutors are seeking a 35-year jail sentence for two businessmen and three loggers implicated in the murder of four Indigenous EHRDs.

At the international level, the 2019 Human Rights Council Resolution on “recognizing the contribution of environmental human rights defenders” offers a milestone framework alongside organizational commitments such as UN Environment’s policy on “Promoting Greater Protection for Environmental Defenders.” Draft language for a legally binding UN instrument to regulate transnational corporations and businesses also includes articles on protection and measures to guarantee a safe and enabling environment for persons, groups, and organizations that promote and defend human rights and the environment.³

Regionally, the Inter-American Commission on Human Rights has repeatedly called on states, companies, and investors to act against growing forms of aggression, criminalization, surveillance, and impunity against defenders in the context of business activities. The Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean was adopted in 2018 and requires governments to take action regarding human rights defenders in environmental matters. Signed by 22 States and ratified by nine States as of August 2020, it requires just two more ratifications to enter into effect. Similarly, a proposal is being advanced under the framework of the Aarhus Convention on Access to Information, Public Participation in

³ https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/OEIGWG_Chair-Rapporteur_second_revised_draft_LBI_on_TNCs_and_OBEs_with_respect_to_Human_Rights.pdf

Decision-making and Access to Justice in Environmental Matters to create a rapid response mechanism to provide protection for EHRDs. The Aarhus Convention has 46 State Parties from across Europe and Asia, plus the European Union, although countries in any region are welcome.

Civil society organizations networks and defender networks may pool documentation, protection efforts, and lobbying for strengthened standards and governmental action.⁴ The Zero Tolerance initiative, for example, commits participating companies and investors to human rights due diligence procedures rejecting all abuses of rights of EHRDs.⁵

Although documentation and preventive measures are on the increase, many incidents continue to fall below the public radar, notably in remote rural areas and Indigenous territories. Continued abuses point to the inadequacy of certain government-run protection programs for human rights defenders, and the limitations of approaches centered on individuals.

Indeed, many EHRDs do not wish to be singled out as champions, nor is public attention always beneficial. Defenders may prefer anonymity and consider their struggles as collective. This is leading to growing recognition of collective approaches to security as well as more holistic approaches linking safety, wellbeing, and mental health. One initiative, by Not1More, seeks to address security issues but also combat isolation by helping EHRDs share knowledge of successful measures, practical support, and feel connected.

The conservation community is only starting to engage with the substantive body of experiences and guidance for individual and collective protection approaches built up by the human rights community. Analyses of human rights in conservation dealt with a wide range of rights issues in conservation such as protected area management, and forest conservation (Campese, Sunderland, Greiber, & Oviedo, 2009), and framed environmental defenders as a human rights concern (Knox, 2017).

Outreach experiences by IUCN Netherlands in countries such as Colombia, DR Congo, Indonesia, Peru, and the Philippines show the potential for scaling-up local partnerships, human rights, and safety training as well as the usefulness of emergency funds for people at risk.⁶ Still, many conservationists have limited knowledge of risks and effective responses to the kinds of attacks EHRDs experience. Greater awareness programs are needed for conservationists and their partners to promote the rights and increase the personal safety of defenders including

through digital and physical security measures, risk evaluations, and management, and conflict de-escalation as part of embracing human rights more systematically. Support for services such as emergency grants to increase security measures or temporary respite during high-risk periods (e.g., active death threats), have proven their effectiveness, and should also be made more accessible.

The conservation community also needs to address its own role in human rights violations, militarization, and violence carried out in the name of conservation (Duffy et al, 2019). More attention to the human rights implications of conservation is urgently needed, including a more systematic adoption of rights-based approaches and stepping up rights-based action for defenders. This includes recognizing and addressing cases of violence such as abusive conservation law enforcement (Massé, 2020), establishing consultation, grievance and review mechanisms (Tauli-Corpuz, Alcorn, Molnar, Healy, & Barrow, 2020), recognizing Indigenous rights (Witter & Satterfield, 2019), and more fundamentally addressing racism and coloniality (Domínguez and Luoma, 2020).

Global conservation goals and agendas constitute a priority for the conservation community, notably in the context of the Convention on Biological Diversity and follow-up to the Aichi targets. These efforts need to proactively address the full range of human rights standards in conservation work (Newing & Perram, 2019). Negotiations of the Post-2020 Global Biodiversity Framework include recommendations for the full recognition of the rights of Indigenous Peoples and local communities, and targets to protect of individuals and groups at risk⁷. Such action targets are today needed across all environmental fields and to be complemented by scaled-up protection measures and concerted action by the conservation community to ground state commitments.

4 | WIDER POLICY IMPLICATIONS

Advancing biodiversity targets on paper belies the considerable challenge of protecting environmental defenders. What might a global conservation perspective for environmental defenders (Ghazoul & Kleinschroth, 2018) called for look like? As the upcoming IUCN World Conservation Congress tables a new resolution on environmental defenders, the underlying question is whether the conservation community can shift from a fire-fighting mode towards a more systematic policy approach grounded in prevention and collective action.

⁴ For example, <https://www.elaw.org/defenderscoalition>

⁵ <https://www.zerotoleranceinitiative.org/>

⁶ <https://www.iucn.nl/en/solutions/environmental-defenders>

⁷ <https://www.iucn.org/news/protected-areas/202002/human-rights-enabling-condition-post-2020-global-biodiversity-framework>

TABLE 1 Geneva Road Map Goals and policy recommendations

Geneva Road Map goals	Examples of existing action	Policy recommendations for post-2020 Biodiversity Framework
Reverse the tide of marginalization and attacks against environmental actors	Adoption of national laws and regulatory measures for human rights defenders (UNGA/HRC, 2019b)	Global conservation policy recognition, defender protection targets, and policy incentives for country-level collective action
Reinforce environmental rights, enabling civic spaces and accountability	Effectiveness of rights-based approaches and equity in biodiversity governance (Artelle et al., 2019; Dawson et al., 2018)	Integrate specific rights measures for environmental defenders together with accountability for public and private sector
Bridge initiatives and enhance cooperation	Emerging efforts to link conservation and human rights demonstrate the potential for cross-sectoral synergies (https://www.thecihr.org/)	Promote EHDR initiatives in the conservation sector
Break isolation and facilitate effective access to protection	Capacity building of conservation organizations can reduce risks of violence (IUCN Netherlands)	Comprehensive outreach programmes for conservation actors including scientists, organizations and partner communities at risk

A quantum leap is needed to recognize the centrality of environmental defender concerns as a shared policy priority, respond to blind spots, and build stronger bridges between the environmental and human rights communities so as to afford effective—and equitable—protection. Will the upcoming CBD Conference of Parties in Kunming, China in 2021 adopt strong language in the Post-2020 Global Biodiversity Framework and incentives for states to act?

The Geneva Road Map developed in February 2020 includes four main action goals with policy relevance for the Post-2020 Biodiversity Framework. The table presents the goals together with examples of existing action and policy recommendations.

Reversing the tide starts from the recognition that stopping attacks against environmental defenders is an urgent priority. Differences between activist critique and mainstream cooperation among conservationists should not stand in the way for concerted action in solidarity with those most at risk. Mobilizing the wider conservation community is necessary to move the collective agenda forward and counter the negative spiral of individualization and isolation.

If certain corporate and state narratives pitch environmental defense as being against public development interest, conservation counter-narratives of civic engagement, solidarity and collaboration are now more important than ever. Professional societies, conservation networks and collective conservation platforms such as the World Conservation Congress and the Conference of Parties to the CBD are critical in this respect.

Environmental defenders do not simply “deserve” effective protection (Böhm et al., 2020), it is a matter of

human rights and addressing the root causes of social-environmental conflict. Efforts to promote equity and rights-based approaches in conservation urgently need to expand into defender-oriented policy guidance.

Whereas biodiversity policy promotes equitable management in the Aichi target 11 (Dawson, Martin, & Danielsen, 2018), we suggest reinforcing the structural enablers - environmental rights, enabling civic spaces and mechanisms of accountability. This goes beyond the adequacy of conservation tools at global and national levels (Butchart et al., 2015) and prompts the need for complementary social protection and human rights measures for any tool to be effective. Saving biodiversity is also about saving spaces for civic engagement and conservation.

Conservation responses may allow for more engagement with defenders and their networks in shaping effective responses. This includes new laws, independent institutions, community-led protection and capacity building for communities most at risk. Conservation scientists, organizations and their partners can themselves adopt protocols of action and prevention. Despite analysis noting that secure property rights of Indigenous Peoples are critical to halt deforestation in countries like Brazil (Baragwanath & Bayi, 2020), such defenders still face historic levels of violence, prompting the need for greater global efforts to end these forms of violence against people and the environment.

If evidence demonstrates the magnitude of challenges faced by defenders, emerging lessons also reveal the potential role of globally connected conservation networks in counteracting the isolation suffered by at-risk EHRDs. First, the conservation community needs to place environmental defender rights at the heart of the Post-2020 Global

Biodiversity Framework and targets, without which aspirations for effective and equitable conservation regimes are unlikely to succeed. Second, the conservation community can boost efforts of solidarity, identify vulnerable partners and members, and strengthen prevention, awareness and safety nets throughout its networks and field-offices. Third, conservation actors need to undertake more systematic documentation of risks encountered, lobby governments for the adoption of relevant policies including the ratification of relevant international instruments in response to the structural drivers. If defenders fail in their ambitious efforts, we all fail, and the vision of a just and sustainable future will go unfulfilled. Conservation professionals and networks are not only at risk themselves, they are part of the collective solution necessary to counter current spirals of violence and realize equitable conservation.

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AUTHOR CONTRIBUTIONS

All authors contributed to the conception and writing of the manuscript.

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There was no primary data collection undertaken for this manuscript prompting an ethics review process.

DATA ACCESSIBILITY STATEMENT

No primary data was collected for this manuscript.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

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